

Jeremy Balliger
13675-C Ruelle Le Parc
Del Mar, CA 92014
and
917 Marine Street
Santa Monica, CA 90405
Tel.: (858) 342-8001
Email: lynn_balliger@att.net
Pro Se

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JAN - 8 2014

FILED

14 JAN 13 AM 10:26

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

**THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Plaintiff,

RAMONA BAND OF CAHUILLA;
CAHUILLA BAND OF INDIANS,

Plaintiff-Intervenors,

vs.

FALLBROOK PUBLIC UTILITY
DISTRICT, a Public service corporation
of the State of California, et al.,

Defendants.

Case No.: 51-cv-1247-GPC(RBB)

**DECLARATION IN SUPPORT OF
EX PARTE APPLICATION OF
JEREMY BALLIGER,
SUCCESSOR-IN-INTEREST TO
DEFENDANT CECILIA COLE,
1) TO REQUEST SUBSTITUTION
IN PLACE OF DEFENDANT
CECILIA COLE, AND 2) FOR
LEAVE TO FILE ANSWER TO
CAHUILLA BAND OF INDIANS'
SECOND AMENDED COMPLAINT
IN INTERVENTION**

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1 I, Jeremy Balliger, declare as follows:

2 1. I inherited vacant land in Anza, California ("the property"), from my
3 grandfather, Vernon Balliger, who passed away in March 2008.

4 2. My Aunt, Defendant Cecilia Cole ("Ms. Cole"), the successor-
5 trustee of my grandfather's estate, executed the Quitclaim Deed to the property on
6 November 15, 2010, thereby transferring the property to me. She delivered the
7 executed quitclaim deed to me on the same day that she executed it. A true and
8 correct copy of the Quitclaim Deed is attached as Exhibit 1.

9 3. In June 2011, Ms. Cole was served with the Second Amended
10 Complaint. However, as the record owner, I have not been served with the
11 Second Amended Complaint.

12 4. I submit my ex parte application, because an Answer has not been
13 filed to the Second Amended Complaint served upon Ms. Cole, and as successor-
14 in-interest to Defendant Ms. Cole, I seek to avoid entry of default in this matter.
15 As successor-in-interest to Ms. Cole, I attempted to file an Answer to the Second
16 Amended Complaint, which the Court received on November 12, 2013; however,
17 on November 14, 2013, I received notice from the Court that the Answer was
18 rejected because it was untimely.

19 5. I respectfully request that this Court enter its Order substituting me
20 in place of Ms. Cole in this matter, and granting me leave to file an Answer to
21 Plaintiff- Intervenors' Second Amended Complaint.

22 Executed this 3rd day of January 2014, under the penalty of perjury and
23 pursuant to the laws of the United States of America.

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25
26
27
28

Jeremy Balliger

EXHIBIT 1

PLEASE COMPLETE THIS INFORMATION.

RECORDING REQUESTED BY:

Jeremy A. Balliger

AND WHEN RECORDED MAIL TO:

Jeremy A. Balliger
917 Marine Street, Apt. 1
Santa Monica, CA 90405

DOC # 2012-0106422

03/08/2012 08:00A Fee:27.00

Page 1 of 5

Recorded in Official Records

County of Riverside

Larry W. Ward

Assessor, County Clerk & Recorder



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M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
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27

Quitclaim Deed

(Please fill in document title(s) on this line)

The undersigned grantor(s)
declare(s) DOCUMENTARY
TRANSFER TAX \$0

M

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
(Additional recording fee applies)

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this 08 day of November ,
2010 (year),
by first party, Grantor, The Vernon J Balliger Trust dated April 2, 1987, Amended July 25, 1989,
whose post office address is N/A
to second party, Grantee, Jeremy A Balliger
whose post office address is 16654 Box 510, Canyon Country, CA 91351

WITNESSETH, That the said first party, for good consideration and for the sum of
Dollars (\$0.00) paid by the said second party, the receipt whereof
is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party
forever, all the right, title, interest and claim which the said first party has in and to the following
described parcel of land, and improvements and appurtenances thereto in the County of
RIVERSIDE , State of CALIFORNIA to wit:

Legally described as parcel 2 of parcel map 5124 in the County of Riverside, State of California,
as per map recorded in book 9, page 20 of parcel maps, in the Office of the County Recorder of
said county. APN: 576-100-044-7

Page 1 of 2.

[Signatures on following page.]


Initials of First Party

AHAAZZZA

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of: The Vernon J. Balliger Trust, dated April 2, 1987, Amended July 25, 1989

Signature of Witness

Cecelia J. Cole
Signature of First Party, Grantor

Print name of Witness

CECELIA J. COLE
Print name of First Party

Signature of Witness

Signature of First Party, Grantor

Print name of Witness

Print name of First Party

STATE OF
COUNTY OF

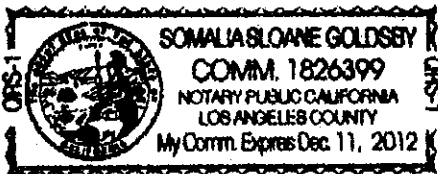
California
LOS Angeles }

On 11/15/2010 before me, Somalia Sloane Goldsby, Notary Public
appeared Cecelia Jo Balliger Cole
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Somalia Sloane Goldsby
Signature of Notary

(Seal)



Affiant Known ☒ Produced ID

Type of ID Colorado D.L.

HR Cole
Signature of Preparer

HENRY R. COLE

Print Name of Preparer

592 CR 281, WOODLAND PARK, CO

Address of Preparer 80863

ACKNOWLEDGMENT

State of California
County of Los Angeles

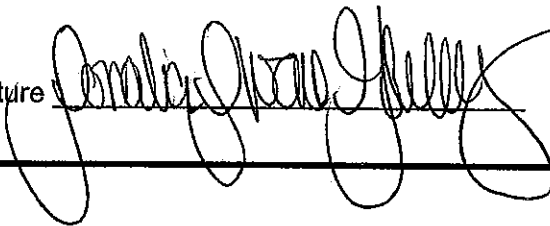
On November 15, 2010 before me, Somalia Sloane Goldsby, notary public
(insert name and title of the officer)

personally appeared Cecelia Jo Balliger Cole
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are
subscribed to the within instrument and acknowledged to me that he ~~is~~ she ~~is~~ they executed the same in
~~his~~ ~~her~~ ~~their~~ authorized capacity ~~(ies)~~, and that by ~~his~~ ~~her~~ ~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature



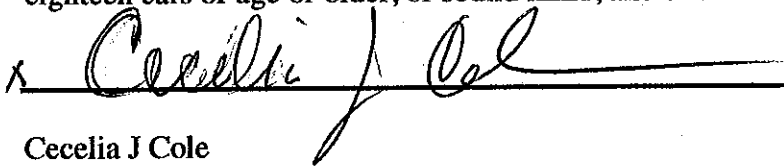
(Seal)



AFFIDAVIT

I, Cecelia J Balliger Trustee of The Vernon Joseph Balliger Trust, dated April 20, 1987 with amendments of July 25, 1989, June 15, 1991, August 14, 1993, October 16, 2003 and July 1, 2004.

Do sign my name to this instrument this 15 day of November 2010, and being duly sworn, do hereby declare to the undersigned authority that I sign and execute this instrument as the declared Trustee of The Vernon J. Balliger Trust dated April 20 1987 and that I willing, execute the **QUITCLAIM DEED** date November 8, 2010. I execute it as a free and voluntary act for the purpose expressed in the Trust, and that I am eighteen ears of age or older, of sound mind, and under no constraint or undo influence.



Cecelia J Cole
592 CR 281
Woodland Park, CO 80863

Subscribed, Sworn and acknowledged before me Cecelia J Cole Trustee, The Testator; and subscribed and sworn before me Witnesses _____, this _____ day of November 2010.

Notary Public, or other Officer authorized to take
And certify acknowledgment and administer oaths

State of California County of
Los Angeles
Subscribed and sworn to (or affirmed)
before me on this 15th day of NOV, 20 10, by
Cecelia Jo Balliger Cole
proved to me on the basis of satisfactory evidence
to be the person(s) who appeared before me.
Signature Somalia Sloane Goldsby

